

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**GUN OWNERS OF AMERICA, INC., et al.,**

**Plaintiffs,**

**Case No. 1:18-cv-01429**

**MERRICK B. GARLAND, in his  
official capacity as Attorney General  
of the United States, et al.,**

**Defendants.**

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**JOINT STATUS REPORT**

Pursuant to this Court's Order dated May 6, 2019, the parties hereby file their Joint Status Report.

A. Status Update

On December 26, 2018, Plaintiffs filed their Complaint for Declaratory and Injunctive Relief against Defendants. A subsequent Motion to that effect was filed (ECF No. 9). On March 21, 2019, this Court entered its Opinion and Order denying the motion for preliminary injunction (ECF No. 48).

An Appeal of this Court's Opinion and Order was then taken to the Sixth Circuit. The Plaintiffs then filed an unopposed Motion to Stay Further Proceedings in the District Court, in order that an appeal on the merits of the injunction may expeditiously proceed. The Motion was granted by this Court on May 6, 2019.

The matter proceeded in the Court of Appeals. The Court, after briefing and argument, ordered that the District Court's Opinion and Order of March 21, 2019, was reversed and remanded for further proceedings, consistent with its 2-1 opinion. The Government sought *en banc* review. Pursuant to Rule 35 of the Federal Rules of Appellate Procedure and Sixth Circuit Rule 35, a majority of the active judges of that Court voted to grant *en banc* review of this case. By published Order of the Court, entered on June 25, 2021, rehearing *en banc* was granted and the panel opinion was vacated.

Following argument heard by the Court *en banc* on October 20, 2021, and a conference among the judges, the Court divided evenly, with eight judges voting to affirm the judgment of the District Court and eight judges voting to reverse. Consequently, the judgment of the District Court was affirmed. Separate opinions in favor of affirmance and in favor of reversal followed and were published December 3, 2021. The mandate was issued on January 26, 2022.

Pursuant to United States Supreme Court Rule 13 regarding review on Certiorari and the time for petitioning, a petition for a writ of certiorari to review a judgment in any case entered by a United States court of appeals is timely when it is filed with the Clerk of that Court within 90 days after entry of the judgment. A Judgment of Affirmance was entered by the Sixth Circuit Court of Appeals on

December 3, 2021. Thus, to be timely filed, a petition for a writ of certiorari to review that judgment must be filed on or before Thursday, March 3, 2022.

B. At this time, the Plaintiffs anticipate petitioning for a writ of certiorari to review the December 3, 2021 Judgment of Affirmance on or before March 3, 2022. The parties seek this Court's continued stay of the District Court proceedings pending the Supreme Court's decision on Plaintiffs' anticipated petition for certiorari and, if certiorari is granted, pending the Supreme Court's decision.

Respectfully submitted,  
**PENTIUK, COUVREUR & KOBILJAK, P.C.**

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Dated: February 7, 2022

**CERTIFICATE OF SERVICE**

Karen Zurbo-Miller, is employed by PENTIUK, COUVREUR & KOBILJAK, P.C., and on February 7, 2022, e-filed and served the foregoing *Joint Status Report* using this Court's e-filing and e-service system.

/s/Karen Zurbo-Miller  
Karen Zurbo-Miller  
Legal Assistant